



28 DEC 2005

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In re Application of TSATSANIS et al.

Application No.: 10/517,095

PCT No.: PCT/US03/17989

Int. Filing: 06 June 2003

Priority Date: 07 June 2002

Attorney Docket No.: VOY-025US

For: A METHOD AND SYSTEM FOR PROVIDING
WINDOW SHAPING FOR MULTILINE TRANSMISSION
IN A COMMUNICATIONS SYSTEM

DECISION ON

PETITION

UNDER 37 CFR 1.47(a)

This is a decision on applicant's petition under 37 CFR 1.47(a) and request for three month extension of time, filed in the United States Patent and Trademark Office (USPTO) on 26 August 2005. The request for a three month extension of time is granted.

BACKGROUND

On 28 March 2005, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 26 August 2005, applicant filed a petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) along with a request for a three month extension of time. The petition requested the acceptance of the application without the signature of inventor Michail Tsatsanis. Applicant alleges that the inventor refuses to sign the application. The petition included the requisite petition fee, a declaration signed by the joint inventors on behalf of the nonsigning inventor and a statement of facts under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Items (1), (3) and (4) are satisfied. The petition fee has been paid, the last known address of the non-signing inventor was provided and the declaration was submitted by the joint inventors on behalf of the non-signing inventor.

Item (2) is satisfied. Petitioner states that on 11 August 2005, he sent a complete copy of the application via certified mail, return receipt requested, to Mr. Tsatsanis. A copy of the certified mail receipt signed by Mr. Tsatsanis on 17 August 2005 was attached to the petition. Petitioner further states that "Inventor Michail Tsatsanis has failed to return an executed declaration...and thus refuses to join in the application."

The action taken by petitioner is now sufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Applicant has made diligent efforts to contact Mr. Tsatsanis to obtain his signature and by his conduct, it can be concluded that Mr. Tsatsanis refuses to sign the application papers. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

Applicant has provided sufficient evidence that Michail Tsatsanis's conduct constitutes a refusal to sign the application. Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a) at this time.

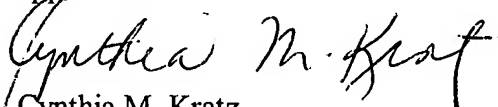
CONCLUSION

The petition under 37 CFR §1.47(a) is GRANTED.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 26 August 2005. The application has an international filing date of 06 June 2003 under 35 U.S.C. 363, and a date of 26 August 2005 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing as the U.S. National Stage of the above-identified international application.



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UNITED STATES PATENT AND TRADEMARK OFFICE

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Dear Mr. Tsatsanis:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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